

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SARAH ANN CHRISTIE,

Plaintiff,

Civil Case No. 13-14408
Honorable Linda V. Parker

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
NOVEMBER 10, 2014 REPORT AND RECOMMENDATION; (2)
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND
(3) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On October 18, 2013, Plaintiff filed this lawsuit challenging Defendant's final decision denying her application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. On October 21, 2013, the matter was referred to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 2.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 9, 13.)

On November 10, 2014, Magistrate Judge Grand issued his R&R in which he recommends that this Court deny Plaintiff's motion, grant Defendant's motion, and affirm the Social Security Commissioner's decision. (ECF No. 14.) In the R&R, Magistrate Judge Grand first notes that Plaintiff could be deemed to have waived any challenges to the ALJ's decision because the brief in support of her motion for summary judgment contains only conclusory allegations and lacks any developed argument. (*Id.* at 8.) Nevertheless, Magistrate Judge Grand addresses Plaintiff's allegation that the ALJ erred in formulating the hypothetical question posed to the vocational expert by failing to account for her claimed impairments.

Magistrate Judge Grand finds that the ALJ appropriately considered Plaintiff's testimony and properly rejected her subjective allegations as not credible in light of the objective medical evidence and her daily activities. (*Id.* at 9-12.) As the ALJ and Magistrate Judge Grand note, no medical opinions were offered in support of Plaintiff's application. (*Id.* at 7; A.R. at 26.) Magistrate Judge Grand therefore finds the ALJ's hypothetical question adequate. (ECF No. 14 at 12.) He then concludes that substantial evidence in the record supports the ALJ's decision. (*Id.*)

At the close of his R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 13.) He further specifically advises the parties that "[f]ailure to

file specific objections constitutes a waiver of any further right to appeal.” (*Id.*)

Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts the magistrate judge’s November 10, 2014 Report and Recommendation and is affirming Defendant’s decision denying Plaintiff social security benefits.

Accordingly,

IT IS ORDERED, that Plaintiff’s motion for summary judgment (ECF No. 9) is **DENIED**;

IT IS FURTHER ORDERED, that Defendant’s motion for summary judgment (ECF No. 13) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 27, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 27, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Lourt
Case Manager